

From: [Williams, Jonathan](#)
To: [Penny Weymiller](#)
Cc: [McLerran, Dennis](#); [Stern, Allyn](#); [Wernitz, James](#); [FHBC](#); [Landuse](#); [Arnold Appeney](#); [Kelly Wright](#); [susanh@ida.net](#); [Albright, Rick](#); [Virginia Monsisco](#); [Bill Bacon](#); [Gussie Lord](#); [Allnutt, David](#); [Wilson, Wenona](#); [Kelly, Kate](#); [Boyd, Andrew](#); [Jill Grant](#); [Woods, Jim](#); [Cohen, Lori](#); [Helm, Nancy](#); [Cliff Merrill](#); [Tim Norman](#); [Greutert, Ed \[USA\]](#); [Hall, Chris](#); [McGown, Michael](#); [Todd, Bill](#); [Dossett, Donald](#); [Sheldrake, Beth](#); [McDonnell, Kimberlee](#)
Subject: RE: FMC OU - Dust control and access issues and air monitoring QAPP
Date: Friday, May 22, 2015 6:22:48 PM
Attachments: [2015 03 09 Final Pocatello Safety Summit Slides.pptx](#)

Penny:

Beth Sheldrake has asked that I respond to the remaining concerns expressed in your e-mail reply to her. I've consulted with others at EPA in preparing this response, and am hopeful that it will address your concerns. I've taken the liberty to either paraphrase or quote what I understand to be your principal concerns, and arranged them thematically.

Total Suspended Particulate Data

You objected to Beth's statement that "EPA does have significant quantitative air monitoring data related to FMC cleanup operations." Your response was to state that: "This is monitoring for Total Suspended Particulate (TSP) using non-FRM methods. EPA quit using a TSP standard in air quality in 1987 and went to health-based PM-10 and PM-2.5 standards. And data is just data; it's how it's used that matters."

EPA agrees that how data are used matters, and believes that TSP data are of practical value. At the FMC OU, soil chemistry data obtained over several years during the RI/FS were used to derive TSP-based levels that trigger additional precautions onsite. Data regarding relative Contaminant of Concern (COC) concentrations were used to determine levels of TSP which, when observed during field operations, could indicate that specific COC concentrations may exceed one-tenth the OSHA protective criteria. The real-time TSP data, along with visual observations, are used to identify when additional dust prevention/suppression measures are warranted.

Filter-Based Air Quality Data

Beth pointed out that EPA and the Tribes have been provided filter-based analytical data for Cadmium, Phosphorus, Vanadium, Fluoride, and Lead-210 collected during the fall 2014 construction season. In response, you stated that: "One data point is not statistically significant; it certainly cannot be used to drive a decision. Furthermore, what is happening at FMC on relatively calm fall days is not representative for spring in SE Idaho, with high winds and after an abnormally dry winter."

The filter-based data were obtained from analyses of filters employed at the site between October 4 and November 11 of 2014. A single analysis was performed on each filter but that data represented particles collected from monitors deployed for more than a month. That time period included a mixture of relatively calm and very windy days. The summary report which describes the analytical results and recommendations was submitted concurrently to EPA and the Tribes February 13, 2015.

The filter-based data were not used to drive dust prevention/suppression decisions on site. Rather, the filter-based data were acquired to test assumptions, made based upon soil chemistry at the site, about anticipated concentrations of Cadmium, Phosphorus, Vanadium, Fluoride, and Lead-210. In short, the filter-based data were collected to confirm or alter the threshold TSP-levels derived in the DCAMP. The February 13, 2015 report documents the concentrations of contaminants found, and its findings suggest the TSP trigger-levels derived in the DCAMP are more protective than had been anticipated.

Correlation Between Phosphorous and Total Suspended Particle Concentrations

Beth directed you to Slide 38 of FMC's air monitoring presentation which describes how the real-time alarm trigger level of 152 ug/m³ total suspended particulates (TSP) is based upon the OSHA air limit for Phosphorous (100 ug/m³) with a safety factor of 10. The safety factor of 10, which when applied yields a Phosphorous concentration of 10 ug/m³, is to ensure worker safety and further limit any potential exposure due to offsite migration of airborne contaminants.

You responded by asking: "What is the correlation between 10 ug/m³ phosphorous and 152 ug/m³ TSP? I have been asking this question for months and months and months; asking for the calculations that were used to determine the percentage – (the fraction) – of COCs, including phosphorous, in the TSP measurement. I have been told for months and months and months that EPA would supply this calculation to me – by Jonathan Williams', by Kevin Rochlin. It seems an easy matter and these calculations would be readily available – since it's the basis for the WHOLE air monitoring scheme (i.e. the reason to NOT do qualitative and quantitative monitoring) – but no one seems to be able to provide this information. Does anyone in EPA understand it – because I don't? Perhaps you or someone on your staff could take the time to explain it to me? And how can EPA support the use of from 20 year old data collected from off-site monitors during a different plant operational status for the basis of not monitoring."

The methods for correlating chemical concentrations with measured TSP values are described in the FMC DCAMP Section 3.2. The concentrations of COCs in slag and other material onsite are well understood, having been analyzed previously as described in the RI documents for the site. Dust from these materials generated during onsite grading operations would be expected to have the same COCs and relative concentrations.

With respect to phosphorus, the maximum concentration of phosphorus in the ore materials is 65,900 mg/kg or 6.59%. In order to have an air concentration of 100 ug/m³, you would need to have an air concentration of 1517 ug/m³ of the maximum concentration in TSP based on that percentage, and, have that air concentration equally distributed in the breathing zone. Recognizing that the OSHA-based trigger level is appropriate for worker exposure, a safety factor of 10 was applied to that number to have an adjusted trigger level of 152 ug/m³. Section 3.2 of the FMC OU Dust Control and Air Monitoring Plan details the discussion with respect to the calculation of the particulate trigger levels. The calculations are based on the Soil and Waste Material Analyses contained in Table 3.5 on page 3-10 of the DCAMP. These results were used to determine the potential fraction of COCs that could be present in airborne dust resulting from the disturbance of soil, ore, and slag materials. Details with respect to the determination of particulate trigger levels

are outlined in Section 3.2.5 through 3.2.7. It's important to note that these trigger calculations are based on the maximum concentrations of the COCs in the soil, ore, and slag materials.

Following this method, 1520 ug/m³ TSP is expected to contain 100 ug/m³ of phosphorus which is the OSHA PEL for that COC. Phosphorus was chosen as the basis for the trigger because during the comparisons, it was determined to have the most restrictive concentrations. Recognizing that the OSHA-based trigger level is intended for worker exposure, an additional factor of 10 conservatism was included and the TSP trigger level was reduced to 152 ug/m³.

Tribal Air Monitors 10-12 Miles Away

Your e-mail points out that the Tribes FRM air monitors located approximately 10-12 miles away from FMC recorded maximums of 392.88 ug/m³ PM-10 and 18.62 ug/m³ PM-10 and 24 hour averages of 95.79 ug/m³ PM-10 and 7.74 ug/m³ PM-2.5 on March 28, 2015.

EPA does not dispute that those levels were recorded. March 28, 2015 was a very windy day. Sustained winds were about 40 miles per hour with gusts up to 58 mph recorded at the Pocatello airport. Idaho DEQ monitors at Garrett and Gould streets in Pocatello showed hourly PM10 readings over 300 micrograms per cubic meter and a 24-hour reading above 70. According to DEQ, dust was being generated from many sources that day and was widespread throughout the area. The Pocatello airport reported reduced visibility from blowing dust.

EPA's onsite representative observed dust from adjoining fields blowing onto and across the site the afternoon of March 28. Both upwind and downwind TSP monitor alarms were triggered. In response, FMC contractors took an early lunch break to assess the situation. When work commenced after lunch it was consolidated into four areas, three within the coarser-grained slag pile, with a water truck working each area. These steps were consistent with the high-wind event protocol developed by FMC in October 2014.

Dust Control and Air Monitoring Plan Implementation

Your e-mail described my statement that the FMC work is being performed under an approved dust control and air monitoring plan as a misnomer. You also pointed out that the best plan in the world is ineffective if not implemented properly, stated that the FMC DCAMP is not being implemented, described the "goal of zero dust" as having been an absolute joke since work began, and referenced photographs in general as evidence.

The FMC work is being conducted in accordance with an EPA-approved Dust Control and Air Monitoring Plan (DCAMP). Implementation of the DCAMP has been effective even though, as you point out, the goal of "no visible dust" from grading operations has not always been met. EPA onsite oversight contractors have reported that the remedial action construction contractors have been following the DCAMP. EPA on-site contractor observations and the data collected under the DCAMP consistently suggest that dust prevention/suppression measures have been effective. EPA and the Tribes concurrently receive daily reports from EPA's on-site oversight contractor. Likewise, EPA and the Tribes concurrently receive weekly air monitoring reports from FMC which summarize

data collected from seven (four mobile and three fixed) TSP monitors.

EPA has received some slides sent by the Tribes which suggest isolated dust control problems. However, the slides have not contained information about who took the photo, when, where, under what weather conditions, how long the apparent dust plume was generated, at what distance it dispersed, what actions were taken in response, etc. Photos provided without contextual information are not helpful. EPA has received photos taken from offsite where, based upon the distance and perspective, it's difficult to assess the situation. In those cases, if the time/date of the photo is provided then EPA compares that with its onsite inspector observations and the TSP monitoring data.

The UAO grants the Tribes site access to accompany EPA's onsite representatives. The Tribes can use this ongoing opportunity to have one of their air quality inspectors accompany EPA, and make real-time suggestions for any improvements in dust prevention/suppression to the EPA on-site representative and/or Remedial Project Manager. Environmental Waste Management Program (EWMP) Director Kelly Wright is the Tribal point of contact for coordination with EPA's onsite representatives.

EPA Enforcement of DCAMP Provisions under the Unilateral Administrative Order

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Your e-mail states that "...work should never be continuing unless the dust can be controlled. This is a FARR violation besides – although when I requested EPA enforcement to do something I received no response."

The DCAMP requires adequate dust prevention and suppression. EPA would not allow work to continue if, in fact, dust generated from remedial action construction were uncontrolled. The UAO provides EPA with ample authority to enforce provisions of the DCAMP and any other EPA-approved submittals. As described earlier, observations from EPA onsite representatives, and data from the TSP monitors, suggest that the DCAMP is being implemented effectively.

Tribal representatives who have accompanied EPA's onsite representatives have not provided either our oversight contractor or EPA's Remedial Project Manager with any actionable information suggesting that the FARR has been violated. If EPA is provided with reliable information which suggests the FARR is being violated we will follow up on that promptly.

Air Quality Monitoring Approach

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Your e-mail closes by stating: "Frankly, both FMC and EPA have spent a lot more resources on arguing why a good filter-based air monitoring program is not necessary than they ever would have spent just implementing one; something I will never understand. I look forward to EPA's support of Tribal monitoring of the FMC activities."

EPA believes that the rationale for using TSP as a surrogate for likely airborne COC levels, and using filter-based air quality data to test key assumptions, is adequately explained in the DCAMP, was well summarized at the FMC Safety Summit held in Pocatello March 10, 2015, and is further explained in

this e-mail. The presentation slides from the FMC Safety Summit are attached.

The Tribes Environmental Waste Management Program has applied for EPA cooperative agreement funds, under CERCLA, which includes a proposal for the Tribes to conduct air quality monitoring in support of UAO implementation. EPA has partially awarded the amount requested conditioned upon EPA approval of a revised SAP/QAPP. My understanding, based upon conversations with colleagues at EPA, is that the Tribes will be providing a revised SAP/QAPP, consistent with comments provided verbally last month, for us to review soon.

In summary, I trust this response to the e-mail reply you sent Beth Sheldrake is helpful. Please feel free to contact me if you have questions. Thanks.

Jonathan Williams, LHG
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From: Penny Weymiller [<mailto:pweymiller@sbtribes.com>]
Sent: Thursday, April 02, 2015 9:30 AM
To: Sheldrake, Beth
Cc: McLerran, Dennis; Stern, Allyn; Williams, Jonathan; cliffm@coopercm.com; Werntz, James; FHBC; Landuse; Arnold Appeney; Kelly Wright; susanh@ida.net; Albright, Rick; Virginia Monsisco; Bill Bacon; Gussie Lord; Allnutt, David; Wilson, Wenona; Kelly, Kate; Boyd, Andrew; Jill Grant; Woods, Jim; Cohen, Lori; Helm, Nancy
Subject: RE: FMC OU - Dust control and access issues and air monitoring QAPP

Beth,

Thanks you for the response, however I take issue with several of your statements:

1. EPA does have significant quantitative air monitoring data related to FMC cleanup operations.

This is monitoring for Total Suspended Particulate (TSP) using non-FRM methods. EPA quit using a TSP standard in air quality in 1987 and went to health-based PM-10 and PM-2.5 standards. And data is just data; it's how it's used that matters.

2. EPA and the Tribes also have been provided filter-based analytical data collected for cadmium, phosphorus, vanadium, fluoride, and lead-210 during the fall construction season. These constituents were selected because they are the most prevalent and most likely to be of concern if they were components of dust.

One data point is not statistically significant; it certainly cannot be used to drive a decision.

Furthermore, what is happening at FMC on relatively calm fall days is not representative for spring in SE Idaho, with high winds and after an abnormally dry winter.

3. The Tribes FRM air monitors located approximately 10-12 miles away from FMC recorded maximums of 392.88 ug/m³ PM-10 and 18.62 ug/m³ PM-2.5 and 24 hour averages of 95.79 ug/m³ PM-10 and 7.74 ug/m³ PM-2.5 on March 28, 2015.
4. Jonathan Williams' statements that the FMC work is being performed under an approved dust control and monitoring plan is quite a misnomer. The best plan in the world is ineffective if not implemented properly; the FMC DCAMP is not being implemented and the "goal of zero dust" has been an absolute joke since work began. Just look at the photos. Work should never be continuing unless the dust can be controlled. This is a FARR violation besides – although when I requested EPA enforcement to do something I received no response.
5. Slide 38 of FMC's air monitoring presentation states:

Real-time alarm if TSP exceeds 152 µg/m³ (trigger) Trigger based on most conservative OSHA air limit for phosphorus

Then a safety factor of 10 was applied to the trigger level to ensure workers' safety and further limit any potential exposure due to offsite migration of airborne contaminants

The OSHA PEL for phosphorous is 0.1 mg/m³ (100 ug/m³).

Applying a safety factor of 10 would make this 0.01 mg/m³ or 10 ug/m³

The alarm triggers at 152 ug/m³ TSP

What is the correlation between 10 ug/m³ phosphorous and 152 ug/m³ TSP? I have been asking this question for months and months and months; asking for the calculations that were used to determine the percentage – (the fraction) – of COCs, including phosphorous, in the TSP measurement. I have been told for months and months and months that EPA would supply this calculation to me – by Jonathan Williams', by Kevin Rochlin. It seems an easy matter and these calculations would be readily available – since it's the basis for the WHOLE air monitoring scheme (i.e. the reason to NOT do qualitative and quantitative monitoring) – but no one seems to be able to provide this information. Does anyone in EPA understand it – because I don't? Perhaps you or someone on your staff could take the time to explain it to me? And how can EPA support the use of from 20 year old data collected from off-site monitors during a different plant operational status for the basis of not monitoring.

Frankly, both FMC and EPA have spent a lot more resources on arguing why a good filter-based air monitoring program is not necessary than they ever would have spent just implementing one; something I will never understand.

I look forward to EPA's support of Tribal monitoring of the FMC activities.

Penny

Penny Weymiller
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208-478-3853 Phone
208-478-4083 Fax

From: Sheldrake, Beth [<mailto:sheldrake.beth@epa.gov>]
Sent: Wednesday, April 01, 2015 3:48 PM
To: Penny Weymiller
Cc: McLerran, Dennis; Stern, Allyn; Williams, Jonathan; cliffm@coopercm.com; Werntz, James; FHBC; Landuse; Arnold Appeney; Kelly Wright; Susan Hanson; Albright, Rick; Virginia Monsisco; Bill Bacon; Gussie Lord; Allnutt, David; Wilson, Wenona; Kelly, Kate; Boyd, Andrew; Jill Grant; Woods, Jim; Cohen, Lori; Helm, Nancy
Subject: RE: FMC OU - Dust control and access issues and air monitoring QAPP

Penny –

I understand that the Tribes have continuing concerns about air quality issues surrounding the FMC site. EPA does have significant quantitative air monitoring data related to FMC cleanup operations. Both EPA and the Tribes have direct access to real-time quantitative particulate data collected by 5 on-site continuous air monitors. EPA and the Tribes also have been provided filter-based analytical data collected for cadmium, phosphorus, vanadium, fluoride, and lead-210 during the fall construction season. These constituents were selected because they are the most prevalent and most likely to be of concern if they were components of dust. Finally, personal air monitors on workers that are part of the OSHA-compliant industrial hygiene program are regularly analyzed for arsenic, cadmium, lead, nickel, phosphorus, total dust, respirable dust, and quartz.

This data is summarized in the attached Powerpoint FMC presented to you and others with the Shoshone-Bannock Tribes at the Safety Summit held on March 10, 2015. Information related to air monitoring starts on slide #34. As you can see, the constituents of concern analyzed in the filter-based monitors were either not detected or detected at levels 100 to 2,500 times lower than the OSHA permissible exposure limit for on-site workers who would be at the highest risk of exposure to any airborne contaminants. Filter based monitoring is continuing this season. All personal air monitoring has been non-detect. With respect to gamma radiation, significant data collected at the site over many years has documented no risk to workers from gamma radiation (less than 10 mrem/quarter with an OSHA standard of 1,250 mrem/quarter). OSHA conducted an inspection in December 2014 and agreed with this analysis concurring no additional radiological monitoring for workers, who again are at highest risk, is warranted.

EPA has no information which would support Kelly Wright's statements to the media indicating "metals and radiological constituents are leaving the site" or general statements made by the Tribes over the weekend that the health of residents living within 50 to 100 miles of the FMC site is in danger. If the Tribes have such data, EPA, and the State of Idaho, would be very interested in seeing

it.

I understand that the Tribes submitted a QAPP for independent air monitoring to EPA Region 10's air program on March 4th. Air program comments were provided on March 9th. Because the data being collected is related to an ongoing Superfund cleanup action, the Superfund program is also reviewing the draft QAPP. EPA hopes to have consolidated comments to the Tribes by early next week and I understand Jonathan Williams, Superfund project manager, is communicating directly with you and Kelly Wright regarding this matter.

EPA is also currently processing a cooperative agreement under the Superfund program to financially support the Tribes' request for additional independent air monitoring. We understand the Tribes' desire to implement this monitoring program as quickly as possible and we will work with you to the best of our abilities to facilitate that.

Thank you for your concerns. We know how important this project is to the Tribes.

Beth

Beth Sheldrake | Unit Manager
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From: Penny Weymiller [<mailto:pweymiller@sbtribes.com>]

Sent: Wednesday, April 01, 2015 6:48 AM

To: Boyd, Andrew; Jill Grant

Cc: McLerran, Dennis; albright.richard@epa.gov; Stern, Allyn; allnut.david@epa.gov; Williams, Jonathan; cliffm@coopercm.com; Werntz, James; FHBC; Landuse; Arnold Appeney; Kelly Wright; susanh@ida.net; Virginia Monsisco; Bill Bacon; Gussie Lord; Sheldrake, Beth

Subject: RE: FMC OU - Dust control and access issues

My issue is, and has always been, that FMC and EPA have no absolutely idea, qualitatively and quantitatively, the hazardous constituents that are being mobilized along with the dust because of the bogus monitoring plan and the refusal, up to this point, to supply any real support (beyond lip service) to the Tribes doing their own monitoring to determine this. In addition, we are a nonattainment area for PM-10 under the CAA and you are doing non-FRM sampling for TSP only; a fact that has been conveniently ignored..

Penny Weymiller
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From: Boyd, Andrew [<mailto:Boyd.Andrew@epa.gov>]

Sent: Tuesday, March 31, 2015 5:21 PM

To: Jill Grant

Cc: McLerran, Dennis; albright.richard@epa.gov; Stern, Allyn; allnut.david@epa.gov; Williams, Jonathan; cliffm@coopercm.com; Wernitz, James; FHBC; Landuse; Arnold Appeney; Kelly Wright; Susan Hanson; Virginia Monsisco; Penny Weymiller; Bill Bacon; Gussie Lord; Sheldrake, Beth

Subject: RE: FMC OU - Dust control and access issues

Jill

Following up on your email below and our phone conversation. I had agreed to get back to you on the issues you identified in your email.

I've talked to our program office and they have confirmed that there were high wind conditions in the area of the FMC site on March 28. Dust was blowing in and across the area from the south and west directions. In response FMC ceased work for a while and then consolidated work in areas of coarser material and employed additional water trucks to control dust. FMC acted in accord with the approved Dust Control and Air Monitoring Plan (DCAMP).

Some additional key points and information provided by the EPA project office regarding dust control during remedial action construction, and this particular event:

- A windstorm began in the Pocatello, ID area on Saturday (March 28) morning and continued into the evening.
- FMC contractor CBI initially responded to the windstorm by taking an early lunch break, at noon on Saturday, instead of 12:30 pm as scheduled.
- EPA's contractor and others on-site witnessed a cloud of dust coming from upwind of the site and blowing across it during the lunch break. The air monitor alarms were sounding, including the fixed E-2 sampler located at the western (upwind) edge of the site.
- When work resumed about 12:40 pm operations were consolidated into four areas, there was a water truck assigned to each of the four work areas, and work was conducted more slowly than usual. Three of the four work areas were located within the relatively coarse-grained slag pile.
- This high-wind event response of consolidating work into areas of coarser-grained material, working more slowly, and having water trucks in each work area, was consistent with the additional procedures FMC developed and implemented last field season in accordance with the DCAMP in response to EPA observations during a high-wind event.

FMC acknowledged in October 2014 that under very high wind events construction might have to halt entirely. EPA will engage FMC and the Tribes with regard to what conditions might lead to a complete temporary work suspension. In addition, if the Tribes have recommendations for other controls that need to be employed during high wind events the Tribes should provide those to Jonathon, Williams, the EPA Project Manager.

On the access issue, FMC is required by the EPA Unilateral Administrative Order to provide the Tribes with access to the site when accompanied by EPA. There has been some confusion on this on the part of FMC's guards. The guards have on at least one occasion required Tribal representatives to sign their visitor/access forms when the Tribes are at the site to accompany EPA. I have raised this issue with FMC counsel and been assured that FMC will make clear to the guards that they are not to require Tribal representatives to sign the forms when accompanying EPA. EPA does recognize that additional oversight staff are needed and will be increasing its onsite oversight from 40 to 60 hours/week beginning April 1, 2015.

EPA's oversight contractor will continue to provide the Tribes with daily reports at the same time they are provided to EPA Project Manager. The daily reports will continue to include information about anticipated activity for the following day. The Tribes continue to be welcome to accompany EPA's onsite representative during field oversight of remedial action work.

To the extent Tribal representatives have identified issues with the work being performed, the Tribe should not hesitate to bring those matters to the attention of EPA. Those matters are best addressed directly to Jonathon Williams, the EPA Project Manager, but can also be raised with EPA onsite contractors.

If you have questions or would like to discuss these matters further, please don't hesitate to give me a call at 206-553-1222.

Andy

Andrew Boyd

U.S. EPA, Region 10

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SENSITIVE COMMUNICATION INTENDED ONLY
FOR USE OF RECIPIENTS NAMED ABOVE

From: Jill Grant [<mailto:jgrant@jillgrantlaw.com>]

Sent: Monday, March 30, 2015 8:45 AM

To: Shirley, Joan

Cc: McLerran, Dennis; albright.richard@epa.gov; Stern, Allyn; allnut.david@epa.gov; Williams, Jonathan; cliffm@coopercm.com; Wernitz, James; FHBC; Landuse (Landuse@sbtribes.com); Arnold Appeney (aappeney@sbtribes.com); Kelly Wright (kwright@sbtribes.com); susanh@ida.net; Virginia Monsisco (ymonsisco@sbtribes.com); Penny Weymiller; Bill Bacon (bbacon@sbtribes.com); Gussie Lord

Subject: FMC OU - Dust control and access issues

Importance: High

Good morning Joan,

Over the past few days, two issues of significant concern have arisen regarding the FMC OU, and the Tribes urgently need EPA to address them.

First, dust from the site was kicked up by windy conditions and was seen spreading throughout the valley. The crushing of slag and spreading of slag across the site has contributed to the dust problem. As you know, the slag dust contains radioactivity, making the health threat all the more severe (the threat is not just from particulate matter, but from radioactive particulate matter), for everyone in the area.

The Dust Control and Air Monitoring Plan (DCAMP) contains a zero emission goal, which clearly is not being met. (See Section 2.1 of the October 2014 version of the DCAMP, which is the latest version I have.) The Tribes contacted Jonathan Williams, Cliff Merrill, and others at EPA and sent several photos of the conditions in the area, but to my knowledge have not yet received any response. (If you would like me to email you copies of the photos, please let me know.) EPA needs to enforce the requirements of the DCAMP immediately.

Second, the Tribes' access to the FMC OU has been severely limited, which in turn limits the oversight that the Tribes can provide of the activities proceeding at the site. Not only is FMC requiring Tribal representatives to sign an access form containing inappropriate statements (e.g. stating the person is just a visitor, that the person's observations carry no weight, etc.), but also FMC has limited the times it will escort Tribal representative onto the site to just two hours in the morning and two hours in the afternoon. Since there is only one EPA contractor (Cliff Merrill) performing oversight, and he cannot be at the site full-time due to his other duties, that means there are many hours when FMC is proceeding without any oversight. Tribal representatives have identified issues with the work being performed, such as with the placement of air quality monitors, even during the limited access they have had, making this concern all the more serious.

Please let me know as soon as possible how EPA will address these concerns.

Jill

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